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VICTOR COMPANY OF JAPAN, LTD. and JVC
COMPONENTS (THAILAND) CO., LTD., and Defendants
AGILIS INC. and AGILIS TECHNOLOGY INC.

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN

A Professional Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

NIDEC CORPORATION

Plaintiff,

v.

VICTOR COMPANY OF JAPAN, LTD., JVC
COMPONENTS (THAILAND) CO., LTD.,
AGILIS INC., and AGILIS TECHNOLOGY
INC.,

Defendants,

NIDEC AMERICA CORPORATION and
NIDEC SINGAPORE PTE, LTD.,

Additional Defendants on
the Counterclaims.

Case No. C05 00686 SBA (EMC)

Action Filed: February 15, 2005

E-Filing

**STIPULATION AND [PROPOSED]
ORDER CONCERNING DISCOVERY
SOUGHT BY JVC**

Pursuant to Civil L.R. 7-12 of the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, the parties stipulate to an order providing the following:

1. Nidec shall designate a Rule 30(b)(6) witness to testify at deposition regarding the structure of the motors which Nidec contends practice any one or more of the patents-in-suit, i.e., the motors listed in Exhibit E to Nidec's Final Infringement Contentions.

2. Nidec shall designate a Rule 30(b)(6) witness to testify at deposition regarding Nidec's factual bases for any alleged secondary indicia of obviousness or non-obviousness regarding the claimed inventions of the patents-in-suit.

3. Nidec shall designate a Rule 30(b)(6) witness to testify at deposition regarding facts and circumstances relating to the effective filing date of U.S. Patent Nos. 5,667,309 and 6,554,476.

4. Nidec shall designate a Rule 30(b)(6) witness to testify at deposition regarding facts and circumstances relating to enablement and written description requirements of 35 U.S.C. § 112 for U.S. Patent Nos. 5,667,309 and 6,554,476.

5. With respect to each of the topics identified in paragraphs 1-4 above, to the extent practicable, Nidec will use its best efforts to make such witness(es) available in January or early February 2007 in San Francisco. In any event, the parties agree that these depositions may be taken after the formal close of fact discovery on January 10, 2007.

6. By January 2, 2007, Nidec will advise JVC whether it will have a witness to make available to testify at deposition regarding facts and circumstances relating to the conception and reduction to practice of asserted claims of U.S. Patent Nos. 5,667,309 and 6,554,476 and any claimed diligence between conception and reduction to practice. To the extent a witness is made available, that witness will be made available as set forth in paragraph 5 above.

7. JVC will withdraw its Motion to Compel Nidec Depositions, filed November 20, 2006.

8. The foregoing shall not be construed as an admission by either party for the purposes of precedent or argument in any other case.

IT IS SO STIPULATED.

Dated: December 20, 2006

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DAVID C. BOHRER
MICHAEL J. LYONS
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By: /S/

Thomas D. Kohler

Attorneys for Plaintiff and Counter-
defendant
NIDEC CORPORATION and Additional
Defendants NIDEC AMERICA
CORPORATION and NIDEC SINGAPORE

Dated: December 20, 2006

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Anthony F. Lo Cicero

Attorneys for Defendants and Counter-
plaintiffs VICTOR COMPANY OF JAPAN,
LTD. and JVC COMPONENTS
(THAILAND) CO., LTD. and Defendants
AGILIS INC., and AGILIS
TECHNOLOGY INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 4, 2007

EDWARD M. CHEN
United States District Judge

IT IS SO ORDERED

Judge Edward M. Chen

STIPULATION AND [PROPOSED] ORDER
CONCERNING DISCOVERY SOUGHT BY PLAINTIFF

C05 00686 SBA (EMC)

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Anthony F. Lo Cicero,
2 attest that concurrence in the filing of this document has been obtained from each of the other
3 signatories. I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct. Executed this 20th day of December 2006, at New York, New York.

5
6 /S/
ANTHONY F. LO CICERO

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